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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 30th October 2013

No. 30190—IMed-XXIA-40/2013-H.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all orders and instructions issued in this regard except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules regulating the method of recruitment and conditions of service of the persons appointed to the posts of Dental Surgeons, namely :—

PART-I GENERAL

1. Short title and commencement :

- (1) These rules may be called the Odisha Medical Services (Method of Recruitment and Conditions of Services of Dental Surgeons) Rules, 2013.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*

2. Definitions :

- (1) In these rules, unless the context otherwise requires,—
 - (a) “Government” means the Government of Odisha;
 - (b) “Commission” means the Odisha Public Service Commission;
 - (c) “Committee” means the Departmental Promotion Committee constituted under Rule 9;
 - (d) “Council” means the Dental Council of India (DCI) ;
 - (e) “Ex-servicemen” means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
 - (f) “KBK and KBK (+) area of the State” means the area coming under the revenue districts of Koraput, Malkangiri, Nawarangpur, Rayagada, Balangir, Subarnapur, Kalahandi, Nuapada, Gajapati, Kandhamal and Boudh;

- (g) "Persons with disabilities" means persons who are eligible to be granted with disability certificates by the competent authority as per the provisions under Rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Odisha Rules, 2003;
 - (h) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India, from time to time, under Articles 341 and 342 of the Constitution of India, respectively;
 - (i) "SEBC" means the Socially and Educationally Backward Classes of citizens as referred to in Clause (e) of Section 2 of the Odisha Reservation of Posts and Services (for Socially and Educationally Backward Classes) Act, 2008;
 - (j) "Service" means services of Dental Surgeons as mentioned in Rule 3;
 - (k) "Sportsperson" means a person who is eligible to be issued with identity card as sportsman by the Director, Sports as per Resolution No. 24808-Gen. dated the 18th November 1985 of the General Administration Department;
 - (l) "Tribal Sub-Plan area" means the area of the State as declared by the Government in the Department dealing with the affairs of Scheduled Tribes and Scheduled Castes Development, from time to time; and
 - (m) "Year" means a calendar year.
- (2) All other words and expressions used, but not specifically defined in these rules shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Composition of the service :

Service shall consist of the following two grades, namely :—

- (a) Dental Surgeon in Group A (Junior)
- (b) Dental Surgeon in Group A (Senior)

PART-II

METHODS OF RECRUITMENT

4. Methods of recruitment :

Subject to the other provisions made in these rules, selection to the posts in different grades of the service shall be made in the following manner, namely :—

- (a) selection to the posts in Group A (Junior) shall be made by way of direct recruitment in the manner provided under Rule 6;
- (b) selection to the posts in Group A (Senior) shall be made by way of promotion from amongst the persons holding the posts in Group A (Junior).

5. Reservations:

Notwithstanding anything contained in these rules, reservation of vacancies or posts, as the case may be, for—

- (a) candidates belonging to Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules there made under; and
- (b) SEBC, Women, Sportsperson, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, rules, orders or instructions issued in this behalf by the Government from time to time.

6. Procedure for direct recruitment :

- (1) The Government shall intimate the Commission the total number of vacancies in the posts belonging to Group A (Junior) Grade of the service, specified in Clause (a) of Rule 3, existing and anticipated vacancies likely to occur in that year, indicating therein the number of posts required to be filled up by way of reservations of posts for persons belonging to different reserved categories.
- (2) On receipt of the intimation, the Commission shall publish advertisement at least in two vernacular daily newspapers having wide circulation in Odisha, inviting applications from candidates eligible for selection.
- (3) The application forms, the manner of submission of applications, the documents required to be accompanied with the application form, fee required, scrutiny of applications and such other matters shall be such, as may be decided by the Commission.
- (4) (a) Suitability of candidates shall be adjudged on the basis of career marking and written test. Weightage of 30% shall be given to career marking and 70% to written test.
- (b) Career marking will be in the following manner, namely :—
 - (i) Marks secured in 10th class examination—10%
 - (ii) Marks secured in 12th class examination—10%
 - (iii) Marks secured in Bachelor of Dental Surgery examination—10%
- (c) (i) Total marks in written test—200
- (ii) Total No. of questions is 200 which shall be of Multiple Choice Questions (MCQ) pattern.
- (iii) No negative marking for wrong answers
- (iv) Qualifying mark—50% for UR & SEBC, 45% for PWD and 40% for SC/ST in aggregate taking together both career and written test mark.
- (v) Duration of examination—3 hours
- (vi) Syllabus—As per Dental Council of India (DCI) Syllabus of BDS

(vii) Distribution of marks—The following distribution of marks in various disciplines as outlined below:—

Sl. No.	Disciplines	Marks allocated
1	Anatomy	10
2	Physiology	10
3	Biochemistry	10
4	Pharmacology	10
5	Pathology	10
6	Microbiology	10
7	Dental Material	10
8	Dental Anatomy	10
9	Medicine	15
10	Surgery	15
11	Oral Pathology	10
12	Oral Medicine & Radiology	10
13	Pedodontics & Preventive Dentistry	10
14	Orthodontics	10
15	Periodontics	10
16	Oral Surgery	15
17	Prosthodontics	15
18	Public Health Dentistry	10
Total		<u>200</u>

- (5) The Commission shall prepare a list of candidates in order of merit on the basis of career marking and written test which shall be equal to the number of advertised vacancies :

Provided that, if two or more candidates secure equal marks, then the candidate securing higher marks in BDS examination shall find place above the other in the merit list. In case marks obtained in BDS examination is also the same, the candidate older in age shall be placed above the younger.

- (6) The list recommended by the Commission shall remain valid for one year from the date of their recommendation or till the next recruitment is made by the Commission.
- (7) Every candidate selected by the Commission for appointment to the services shall serve minimum 3 (three) years in KBK, KBK(+) or in any tribal sub-paln area and the period of service may be in any one area or areas taken together as the case may be.
- (8) Every such candidate after serving 3 (three) years as provided in sub-rule (7) shall serve for a period of minimum 3 (three) years in rural areas.

- (9) Candidates, who don't join the places on their posting according to sub-rules(7) and (8) shall be permanently debarred from joining service under the State Government and bond amount as executed by the candidate at the time of admission in BDS will be recovered.
- (10) The candidates on completion of PG course in case not served 3 (three) years mandatory service in KBK, KBK(+) or in other tribal sub-plan areas not included thereto and 3 years in rural areas must serve in those areas as stipulated under sub-rules (7) and (8) in case of default, the stipulation under sub-rules (7) and (8) above shall be made applicable.

7. Eligibility criteria for direct recruitment :

(1) In order to be eligible for the direct recruitment, a candidate must—

- (a) be a citizen of India;
- (b) have attained the age of 21 years and must not be above the age of 32 years on the first day of January of the year in which applications are invited by the Commission :

Provided that, the upper age limit in respect of reserved categories of candidates referred to in Rule 5 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in force, for the respective categories :

Provided further that, the upper age limit shall be relaxed up to 5 years in case of in-service Doctors serving under State Government or State Government undertaking on *ad hoc* or contractual basis:

Provided also that a candidate coming under more than one categories as mentioned above, shall be eligible for one age relaxation benefit which shall be considered most beneficial to such candidates.

- (c) be able to read, write and speak Odia; and must have—
 - (i) passed Middle English School Examination in Odia as a language subject; or
 - (ii) passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
 - (iii) passed in Odia as language subject in the final examination of Class VII or above; or
 - (iv) passed a test in Odia in Middle English School standard conducted by the Department dealing with the matters.
- (d) have possessed a BDS or equivalent Degree from a Medical College or Medical Institution recognized by the Dental Council of India; and
- (e) have possessed a Registration Certificate under the Dentists Act, 1948;
- (f) have possessed required Conversion Certificates recognized by Dental Council of India (DCI) in case of candidate having degrees from universities of foreign countries;
- (g) not have more the one spouse living :

Provided that, the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such candidate or there are other grounds for doing so, exempt such candidate from the operation of this rule;

- (h) be in good mental and physical condition and free from any physical defect likely to interfere with the discharge of duties in the service.

- (2) A candidate, who does not satisfy the requirement after medical examination as the Government may specify shall not be appointed to the service.

8. Eligibility criteria for promotion:

In order to be eligible for appointment to the posts in Group A (Senior) an officer in Group A (Junior) must have rendered at least 10 (ten) years of continuous service in Group A (Junior) post out of which, he must have rendered 3 (three) years of service either in KBK or KBK(+) or tribal sub-plan area as under sub-rule (7) of Rule 6.

9. Constitution of Departmental Promotion Committee:

- (1) There shall be constituted a Departmental Promotion Committee consisting of the following members to consider the suitability of eligible candidates for promotion to the posts belonging to Group A (Senior) grade in service specified under Clause (b) of Rule 3, namely :—

(i)	Chief Secretary or Development Commissioner- <i>cum</i> -Additional Chief Secretary.	..	Chairman
(ii)	Secretary to Government, Health & Family Welfare Department.	..	Member
(iii)	Director of Health Services, Odisha,	..	Member
(iv)	Additional Secretary or Joint Secretary or Deputy Secretary to Government, Health & Family Welfare Department in charge of respective establishment.	..	Member- Convenor

- (2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that, the member so absents was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

10. Procedure for selection by the Committee:

- (1) The Committee shall ordinarily meet once in a year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.
- (2) The Committee while considering the promotion cases of suitable officers and preparation of the select list shall follow the provisions of the following rules, namely :—
- (i) The Odisha Civil Services (Criteria for Promotion) Rules, 1992;
 - (ii) The Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988; and
 - (iii) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

11. Consultation with the Commission:

- (1) The recommendations of the Committee in respect of the service shall be referred to the Commission for concurrence along with a list of all eligible candidates, including those who have not been recommended together with the service particulars.
- (2) The Commission shall consider the list along with the service particulars received under sub-rule (1) and shall furnish its recommendation to the Government.
- (3) The recommendation of the Commission shall be placed before the Government for consideration and approval.

PART-III

OTHER CONDITIONS OF SERVICE**12. Select list :**

- (1) The merit list prepared by the Commission under sub-rule (5) of Rule 6 shall be treated as the select list for direct recruitment and the list approved by Government under sub-rule (1) of Rule 11 shall be treated as the select list for promotion.
- (2) The lists referred to under sub-rule (1) shall, ordinarily, be in force for a period of one year from the date of its publication or approval by the Government, as the case may be, until another select list is prepared.
- (3) Appointment to any grade in the service shall be in the order in which their names appear in the final select list.

13. *Inter se* seniority :

- (1) The *inter se* seniority of the officers appointed to the service in a particular year shall be in the order in which their names appear in the select list.

14. Other conditions of service:

- (1) The conditions of service in regard to matters not covered by these rules shall be the same as or as may, from time to time, be prescribed by the State Government.

PART-IV

MISCELLANEOUS**15. Relaxation:**

Where the Government are of the opinion that it is necessary or expedient so-to-do in the public interest, it may, by order, for reasons to be recorded writing, relax any of the provisions of these rules in respect of any class or category of persons in consultation with the Commission :

Provided that, such relaxation shall not be deemed to have modified such provisions permanently.

16. Interpretation:

If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

17. Power to issue instructions:

The Government may also issue instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

By order of the Governor

P. K. MOHAPARTA

Principal Secretary to Government